

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DMITRY KOLOSNITSYN, an individual,

Plaintiff,

v.

CRYSTAL MOUNTAIN, INC. a
Washington corporation, and BOYNE
WEST, INC., a Washington corporation,

Defendants.

No. C08-5035RBL

STIPULATED MOTION AND ORDER
FOR AMENDMENT OF CASE
SCHEDULE

STIPULATION

COMES NOW the parties, by and through their attorneys of record, Richard B. Jolley and Ruth Nielsen for Defendant Crystal Mountain, and Komron Allahyari and Thomas Hause for Plaintiff Kolosnitsyn, and hereby move the Court for an amendment to the recently issued case schedule.

A. The Nature of This Case Supports Amendment of the Case Schedule.

This is a case arising out of a skiing accident at Crystal Mountain ski area. *See*, Dkt 12. The factual basis for the lawsuit requires that expert consultation, site visits, and scene inspection take place during the ski season. *See* Declaration of primary defense counsel. The parties factored this necessity into the report of the FRCP 26(f) conference filed with

STIPULATED MOTION FOR AMENDMENT OF CASE
SCHEDULE- 1

Cause No. C08-5035RBL

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the Court. *See*, Dkt. 11. The report requested an expert disclosure deadline of February 2, 2009. *Id.* The case schedule sets forth a disclosure date, however, of October 29, 2008. The parties now seek an extension of the expert disclosure deadline and amendment of the case schedule to permit potential experts to evaluate the ski area during fully operational, winter conditions. At a minimum, the parties request an expert disclosure deadline of January 15, 2008.

B. Good Cause Exists for Amending the Trial Date.

The parties originally requested a trial date of June 15, 2009. *Id.* A specific reason for that request was an already scheduled calendar conflict for defense counsel Nielsen. *See*, Dec. Nielsen attached as Exhibit A. Accordingly, good cause exists for amendment of the case schedule pursuant to FRCP 16(a)(4).

Further, because of the above discussed need for extension of expert disclosure, the parties also need an extension or amendment of the trial date and scheduled discovery cutoff. If expert disclosures are not due, and site seeing inspections are not completed, until the Crystal Mountain ski area is snow-covered and fully operational, the current discovery cutoff of December 29, 2008 provides inadequate time for possible expert deposition and/or rebuttal experts and motion practice. Accordingly, the parties request an amended discovery cutoff of March 1, 2009.

CONCLUSION

The unique factual basis of this case dictates that experts cannot be effectively engaged and utilized until the ski area is snow-covered and fully operational. Accordingly, good cause exists to modify the case schedule so that expert disclosure is not required until a date of January 15, 2009 at the earliest. Additionally, as noted in the requested date for

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SCHEDULE- 2

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1 trial set forth in the report of the FRCP 26(f) conference of the parties, the scheduling
2 conflict of defense counsel and the need to modify the case schedule to accommodate
3 expert disclosures during ski season provide further good cause for amendment of the trial
4 date to sometime after June 15, 2009.

5 WASHINGTON LAW GROUP

6 June 20, 2008

7 Date

s/Thomas Hause, Komron Allahyari

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24 STIPULATED MOTION FOR AMENDMENT OF CASE

SCHEDULE- 3

Cause No. C08-5035RBL

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ORDER

Based upon the foregoing Stipulation, the Court finds that good cause exists to amend the current expert witness disclosure deadline, discovery cutoff and trial date.

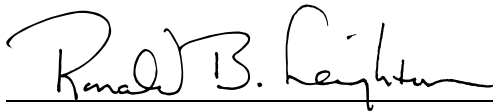
Accordingly,

IT IS HEREBY ORDERED that the trial date will be issued for sometime after June 15, 2009; and

IT IS HEREBY ORDERED that the disclosure of expert witnesses will be sometime after February 2, 2009, and

IT IS HEREBY ORDERED that the discovery cutoff should be sometime after March 1, 2009.

DATED this 27th day of June, 2008.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Richard B. Jolley

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STIPULATED MOTION FOR AMENDMENT OF CASE

SCHEDULE- 4

Cause No. C08-5035RBL

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24 STIPULATED MOTION FOR AMENDMENT OF CASE
SCHEDULE- 5

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